

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 23-0995.02 Conrad Imel x2313

SENATE BILL 23-296

SENATE SPONSORSHIP

Winter F. and Marchman, Buckner, Coleman, Cutter, Danielson, Exum, Fields, Ginal, Gonzales, Hansen, Jaquez Lewis, Kolker, Moreno, Mullica, Priola, Roberts, Sullivan

HOUSE SPONSORSHIP

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Education
Appropriations

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A BILL FOR AN ACT

101 **CONCERNING PROTECTIONS FOR STUDENTS AGAINST DISCRIMINATORY**
102 **PRACTICES AT SCHOOL.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires that a report received by a public school that enrolls students in any of grades kindergarten through 12 (public school) that alleges harassment or discrimination is confidential. The bill requires a public school to:

- Accept reports of harassment or discrimination in writing or in-person; by phone, e-mail, or online form; or through

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

HOUSE
Amended 2nd Reading
May 7, 2023

SENATE
3rd Reading Unamended
May 3, 2023

SENATE
Amended 2nd Reading
May 2, 2023

- safe2tell;
- Post notices describing how a student can report harassment or discrimination to the school;
- Adopt procedures for investigating reports of harassment or discrimination;
- Retain harassment or discrimination case files for 7 years;
- Grant an excused absence to a student for certain out-of-school appointments related to the student experiencing harassment or discrimination; and
- Provide accommodations and supportive measures to a student experiencing harassment or discrimination.

The bill requires a public school to adopt a written policy (policy) that protects students experiencing harassment or discrimination. The policy must include the following:

- Information on reporting options for students, including contact information for the school staff member designated to receive reports;
- An explanation of the school's role in responding to reports of harassment or discrimination;
- Information about resources for victims of gender-based violence and sexual violence;
- Amnesty protections for a student who reports, or is a witness to a report of, harassment or discrimination for any school policy violation by the student related to the harassment or discrimination; and
- Information about available accommodations and supportive measures.

A public school shall make the policy available annually to students, students' parents and legal guardians, and school staff.

The bill requires a public school to annually provide training to school staff about harassment and discrimination, including training about the school's policy.

The bill requires public schools to report information about harassment or discrimination to school districts, who report that information to the department of education (department). An institute charter school reports the information directly to the department. The department reports the information to the sexual misconduct advisory committee in the department of higher education.

The bill waives immunity for a public entity for a failure to comply with any requirement concerning harassment or discrimination in public schools described in the bill.

1 *Be it enacted by the General Assembly of the State of Colorado:*

1 **SECTION 1. Legislative intent.** It is the intent of the general
2 assembly to provide additional and complimentary requirements for
3 complaints that would fall under Title IX of the of the federal "Education
4 Amendments of 1972" and provide equitable standards for harassment
5 based on protected classes other than sex to ensure that students who are
6 subject to harassment or discrimination are provided a prompt and fair
7 process, information about their rights and status of the complaint, and
8 supportive measures or accommodations to remedy the impact of the
9 harassment or discrimination.

10 **SECTION 2.** In Colorado Revised Statutes, **add** 22-1-140 as
11 follows:

12 **22-1-140. Harassment or discrimination - policy required -**
13 **training and notification - definitions.** (1) AS USED IN THIS SECTION,
14 UNLESS THE CONTEXT OTHERWISE REQUIRES:

15 (a) "CONTRACTOR" MEANS A PERSON WHO HAS DIRECT CONTACT
16 WITH OR SUPERVISION OVER STUDENTS PURSUANT TO A CONTRACT WITH
17 A SCHOOL OR LOCAL EDUCATION PROVIDER.

18 (b) "COMPLAINANT" MEANS A PERSON WHO IS SUBJECT TO, AND
19 FILES A REPORT OF, ALLEGED MISCONDUCT OR DISCRIMINATION PURSUANT
20 TO A LOCAL EDUCATION PROVIDER'S POLICY.

21 (c) "EMPLOYEE" MEANS ANY EMPLOYEE OF THE PUBLIC SCHOOL OR
22 SCHOOL DISTRICT, INCLUDING TEACHERS, TEACHER AIDES, BUS DRIVERS,
23 CAFETERIA WORKERS, CUSTODIAL STAFF, ATHLETIC STAFF,
24 ADMINISTRATIVE AND CLERICAL STAFF, SCHOOL MEDICAL STAFF, AND
25 SECURITY STAFF, AND CONTRACTORS.

26 (b) (I) "HARASSMENT OR DISCRIMINATION" MEANS TO ENGAGE IN,
27 OR THE ACT OF ENGAGING IN, ANY UNWELCOME PHYSICAL OR VERBAL

1 CONDUCT OR ANY WRITTEN, PICTORIAL, OR VISUAL COMMUNICATION BY
2 A STUDENT OR EMPLOYEE THAT IS DIRECTED AT A STUDENT OR GROUP OF
3 STUDENTS BECAUSE OF THAT STUDENT'S OR GROUP'S MEMBERSHIP IN, OR
4 PERCEIVED MEMBERSHIP IN, A PROTECTED CLASS BASED ON DISABILITY,
5 RACE, CREED, COLOR, SEX, SEXUAL ORIENTATION, GENDER IDENTITY,
6 GENDER EXPRESSION, FAMILY COMPOSITION, RELIGION, AGE, NATIONAL
7 ORIGIN, OR ANCESTRY, WHICH CONDUCT OR COMMUNICATION IS
8 OBJECTIVELY OFFENSIVE TO A REASONABLE INDIVIDUAL WHO IS A MEMBER
9 OF THE SAME PROTECTED CLASS. THE CONDUCT OR COMMUNICATION NEED
10 NOT BE SEVERE OR PERVASIVE TO CONSTITUTE HARASSMENT OR
11 DISCRIMINATION AND CONSTITUTES HARASSMENT OR DISCRIMINATION IF:

12 (A) SUBMISSION TO THE CONDUCT OR COMMUNICATION IS
13 EXPLICITLY OR IMPLICITLY MADE A TERM OR CONDITION OF THE
14 INDIVIDUAL'S ACCESS TO AN EDUCATIONAL SERVICE, OPPORTUNITY, OR
15 BENEFIT;

16 (B) SUBMISSION TO, OBJECTION TO, OR REJECTION OF THE
17 CONDUCT OR COMMUNICATION IS USED OR EXPLICITLY OR IMPLICITLY
18 THREATENED TO BE USED AS A BASIS FOR EDUCATIONAL DECISIONS
19 AFFECTING THE INDIVIDUAL; OR

20 (C) THE CONDUCT OR COMMUNICATION HAS THE PURPOSE OR
21 EFFECT OF UNREASONABLY INTERFERING WITH THE INDIVIDUAL'S ACCESS
22 TO THEIR EDUCATIONAL SERVICE, OPPORTUNITY, OR BENEFIT OR CREATING
23 AN INTIMIDATING, HOSTILE, OR OFFENSIVE EDUCATIONAL ENVIRONMENT.

24 (II) PETTY SLIGHTS, MINOR ANNOYANCES, AND LACK OF GOOD
25 MANNERS DO NOT CONSTITUTE HARASSMENT OR DISCRIMINATION UNLESS
26 THE SLIGHTS, ANNOYANCES, OR LACK OF MANNERS, WHEN TAKEN IN
27 COMBINATION AND UNDER THE TOTALITY OF THE CIRCUMSTANCES, MEET


1 THE STANDARD SET FORTH IN SUBSECTION (1)(d)(I) OF THIS SECTION.
2 (III) WHETHER CONDUCT CONSTITUTES HARASSMENT OR
3 DISCRIMINATION IS JUDGED UNDER THE TOTALITY OF THE
4 CIRCUMSTANCES, WHICH MAY INCLUDE, BUT IS NOT LIMITED TO:
5 (A) THE FREQUENCY OF THE CONDUCT OR COMMUNICATION,
6 RECOGNIZING THAT A SINGLE INCIDENT MAY RISE TO THE LEVEL OF
7 HARASSMENT OR DISCRIMINATION;
8 (B) THE NUMBER OF INDIVIDUALS ENGAGED IN THE CONDUCT OR
9 COMMUNICATION;
10 (C) THE TYPE OR NATURE OF THE CONDUCT OR COMMUNICATION;
11 (D) THE DURATION OF THE CONDUCT OR COMMUNICATION;
12 (E) THE LOCATION WHERE THE CONDUCT OR COMMUNICATION
13 OCCURRED;
14 (F) WHETHER THE CONDUCT OR COMMUNICATION IS
15 THREATENING;
16 (G) WHETHER ANY POWER DIFFERENTIAL EXISTS BETWEEN THE
17 INDIVIDUAL ALLEGED TO HAVE ENGAGED IN HARASSMENT OR
18 DISCRIMINATION AND THE INDIVIDUAL ALLEGING THE HARASSMENT OR
19 DISCRIMINATION;
20 (H) ANY USE OF EPITHETS, SLURS, OR OTHER CONDUCT OR
21 COMMUNICATION THAT IS HUMILIATING OR DEGRADING;
22 (I) WHETHER THE CONDUCT OR COMMUNICATION REFLECTS
23 STEREOTYPES ABOUT AN INDIVIDUAL OR GROUP OF INDIVIDUALS IN A
24 PROTECTED CLASS; OR
25 (J) WHETHER THE CONDUCT INCLUDES AN ACT OF PHYSICAL
26 VIOLENCE.
27 (e) "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, A

1 CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART
2 1 OF ARTICLE 30.5 OF THIS TITLE 22, A CHARTER SCHOOL AUTHORIZED BY
3 THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE
4 30.5 OF THIS TITLE 22, OR A BOARD OF COOPERATIVE SERVICES CREATED
5 AND OPERATING PURSUANT TO ARTICLE 5 OF THIS TITLE 22 THAT
6 OPERATES ONE OR MORE PUBLIC SCHOOLS.

7 (f) "POLICY" MEANS THE POLICY ADOPTED BY A LOCALE EDUCATION
8 PROVIDER AS REQUIRED IN SUBSECTION (3) OF THIS SECTION.

9 (g) "PUBLIC SCHOOL" MEANS AN ELEMENTARY SCHOOL, MIDDLE
10 SCHOOL, JUNIOR HIGH SCHOOL, HIGH SCHOOL, OR DISTRICT CHARTER
11 SCHOOL OF A SCHOOL DISTRICT THAT ENROLLS STUDENTS IN ANY OF
12 GRADES KINDERGARTEN THROUGH TWELVE OR AN INSTITUTE CHARTER
13 SCHOOL THAT ENROLLS STUDENTS IN ANY OF GRADES KINDERGARTEN
14 THROUGH TWELVE.

15 (h) "RESPONDENT" MEANS THE INDIVIDUAL WHO HAS BEEN
16 REPORTED TO BE THE PERPETRATOR OF ALLEGED HARASSMENT OR
17 DISCRIMINATION.

18 
19 =====

20 (i) "TITLE IX" MEANS TITLE IX OF THE FEDERAL "EDUCATION
21 AMENDMENTS OF 1972", 20 U.S.C. SECS. 1681 ET SEQ., AS AMENDED.

22 (2) (a) A PUBLIC SCHOOL SHALL ACCEPT FORMAL REPORTS OF
23 HARASSMENT OR DISCRIMINATION IN WRITING OR IN-PERSON; BY PHONE,
24 E-MAIL, OR ONLINE FORM.

25 (b) A REPORT OF HARASSMENT OR DISCRIMINATION RECEIVED BY
26 A PUBLIC SCHOOL IS CONFIDENTIAL AND EMPLOYEES SHALL KEEP
27 INFORMATION LEARNED DURING AN INVESTIGATION OF HARASSMENT OR

1 DISCRIMINATION CONFIDENTIAL TO THE EXTENT PRACTICABLE. NOTHING
2 IN THIS SECTION PREVENTS EMPLOYEES FROM REPORTING KNOWN OR
3 SUSPECTED CHILD ABUSE OR NEGLECT AS REQUIRED PURSUANT TO SECTION
4 19-3-304 OR REPORTING ANY OTHER CRIMINAL ACTIVITY TO LAW
5 ENFORCEMENT. NOTHING IN THIS SECTION PROHIBITS A PUBLIC SCHOOL OR
6 A LOCAL EDUCATION PROVIDER FROM PROVIDING RECORDS TO LAW
7 ENFORCEMENT, THE DEPARTMENT OF HUMAN SERVICES, OR A DISTRICT
8 ATTORNEY FOR THE INVESTIGATION OR PROSECUTION OF ANY CRIME.

9 (c) EACH PUBLIC SCHOOL SHALL POST NOTICES IN MULTIPLE
10 PLACES IN THE SCHOOL, WRITTEN IN SIMPLE AND AGE-APPROPRIATE
11 LANGUAGE, DESCRIBING HOW AND TO WHOM A STUDENT CAN REPORT
12 HARASSMENT OR DISCRIMINATION TO THE SCHOOL. THE NOTICES MUST BE
13 CONSPICUOUSLY POSTED IN EASILY ACCESSIBLE AND WELL-LIT PLACES
14 CUSTOMARILY FREQUENTED BY STUDENTS AND EMPLOYEES.

15 (d) EACH LOCAL EDUCATION PROVIDER SHALL ADOPT PROCEDURES
16 FOR INVESTIGATING REPORTS OF HARASSMENT OR DISCRIMINATION, WHICH
17 MUST BE FAIR, IMPARTIAL, AND PROMPT, AND MUST:

18 (I) REQUIRE A PUBLIC SCHOOL TO MAKE A GOOD FAITH EFFORT TO
19 COMPLETE AN INVESTIGATION AND MAKE ANY FINDINGS WITHIN SIXTY
20 DAYS AFTER THE REPORT, WITHOUT INFRINGING UPON THE RIGHTS
21 ENSHRINED IN FEDERAL AND STATE LAW OF THE COMPLAINANT OR THE
22 RESPONDENT; EXCEPT THAT THE PUBLIC SCHOOL MAY EXTEND THE
23 SIXTY-DAY DEADLINE FOR UP TO THIRTY ADDITIONAL DAYS FOR GOOD
24 CAUSE WITH PRIOR WRITTEN NOTICE TO THE COMPLAINANT AND TO THE
25 RESPONDENT OF THE DELAY AND THE REASON FOR THE DELAY OR MAY
26 EXTEND THE DEADLINE AT THE REQUEST OF A LAW ENFORCEMENT
27 AGENCY;

1 (II) INCLUDE PREPONDERANCE OF THE EVIDENCE AS THE
2 EVIDENTIARY STANDARD, NOTWITHSTANDING ANY OTHER EVIDENTIARY
3 STANDARD IN ANY OTHER POLICY OF THE LOCAL EDUCATION PROVIDER;

4 (III) SPECIFY THAT ALL QUESTIONS RELATED TO THE
5 INVESTIGATION BE DIRECTED TO THE INDIVIDUAL CONDUCTING THE
6 INVESTIGATION, OR THE INDIVIDUAL'S DESIGNEE, AND THAT THE
7 INDIVIDUAL OR DESIGNEE ___ CONDUCTING THE INVESTIGATION SHALL
8 CONSIDER PATTERNS OF MISCONDUCT AS RELEVANT EVIDENCE;

9 (IV) PROVIDE THE PARTIES WITH THE SAME OPPORTUNITY TO HAVE
10 AN ADVISOR OR OTHER PERSON PRESENT DURING ANY PART OF THE
11 INVESTIGATIVE PROCESS; ___

12 (V) PROVIDE WRITTEN UPDATES ABOUT THE STATUS OF AN
13 INVESTIGATION OR PROCEEDING TO THE PARTIES AND THE PARTIES'
14 PARENTS OR LEGAL GUARDIANS AT EACH STAGE OF THE INVESTIGATION
15 OR PROCEEDING, BUT AT LEAST EVERY FIFTEEN BUSINESS DAYS;

16 (VI) PROVIDE FOR CONCURRENT NOTIFICATION TO THE PARTIES OF
17 THE OUTCOME OF THE INVESTIGATION AND ANY FINDINGS; AND

18 (VII) PROHIBIT RETALIATION AGAINST A STUDENT WHO REPORTS
19 OR PARTICIPATES IN AN INVESTIGATION INTO A REPORT MADE PURSUANT
20 TO THIS SECTION. CHARGES AGAINST A STUDENT FOR CODE OF CONDUCT
21 VIOLATIONS RELATED TO THE INCIDENT FOR THE PURPOSE OF PUNISHING
22 A STUDENT FOR MAKING A REPORT OR OTHERWISE INTERFERING WITH ANY
23 RIGHT OR PRIVILEGE SECURED BY THIS SECTION CONSTITUTES
24 RETALIATION.

25 (e) EACH LOCAL EDUCATION PROVIDER SHALL RETAIN THE
26 RECORDS OF A HARASSMENT OR DISCRIMINATION REPORT FOR SEVEN
27 YEARS. THE RECORD OF A REPORT INCLUDES ANY ACCOMMODATIONS OR

1 SUPPORTIVE MEASURES TAKEN IN RESPONSE TO A REPORT OR FORMAL
2 COMPLAINT OF HARASSMENT OR DISCRIMINATION AND DOCUMENTATION
3 OF THE BASIS FOR THE LOCAL EDUCATION PROVIDER'S ACTION AND
4 RESPONSE. ==

5 (f) A PUBLIC SCHOOL SHALL GRANT AN EXCUSED ABSENCE TO A
6 STUDENT WHO HAS EXPERIENCED HARASSMENT OR DISCRIMINATION FOR
7 ANY TIME THE STUDENT IS OUT OF SCHOOL BECAUSE OF A THERAPY,
8 MEDICAL, LEGAL, OR VICTIM SERVICES APPOINTMENT RELATED TO THE
9 HARASSMENT OR DISCRIMINATION.

10 (g) (I) A PUBLIC SCHOOL SHALL OFFER ACCOMMODATIONS AND
11 SUPPORTIVE MEASURES TO A STUDENT EXPERIENCING HARASSMENT OR
12 DISCRIMINATION THAT ARE DESIGNED TO PROTECT THE SAFETY OF ALL
13 STUDENTS AND THAT PRESERVE AND RESTORE EQUAL ACCESS TO
14 EDUCATION FOR THE STUDENT. ACCOMMODATIONS AND SUPPORTIVE
15 MEASURES MAY INCLUDE, BUT ARE NOT LIMITED TO, COUNSELING,
16 EXTENSIONS OF DEADLINES OR OTHER COURSE-RELATED ADJUSTMENTS,
17 EXTRA TIME FOR HOMEWORK OR TESTS, THE OPPORTUNITY TO RESUBMIT
18 HOMEWORK OR RETAKE A TEST, REMEDYING AN IMPACTED GRADE,
19 EXCUSED ABSENCES, THE OPPORTUNITY FOR HOME INSTRUCTION,
20 MODIFICATIONS TO CLASS SCHEDULES, AND == RESTRICTIONS ON CONTACT
21 BETWEEN THE PARTIES TO A REPORT OF HARASSMENT OR DISCRIMINATION.

22 (II) A PUBLIC SCHOOL SHALL PROVIDE SUPPORTIVE MEASURES
23 REQUIRED PURSUANT TO TITLE IX, AND MAY PROVIDE ANY OTHER
24 SUPPORTIVE MEASURES AS SOON AS IT RECEIVES A REPORT OF
25 HARASSMENT OR DISCRIMINATION.

26 (III) A PUBLIC SCHOOL SHALL NOT REQUIRE A FORMAL REPORT OR
27 FINDING OF HARASSMENT OR DISCRIMINATION BEFORE PROVIDING

1 SUPPORTIVE MEASURES.

2 (3) (a) ON OR BEFORE JULY 1, 2024, EACH LOCAL EDUCATION
3 PROVIDER SHALL ADOPT A WRITTEN POLICY THAT PROTECTS STUDENTS
4 EXPERIENCING HARASSMENT OR DISCRIMINATION. THE POLICY ADOPTED
5 PURSUANT TO THIS SUBSECTION (3) IS SEPARATE FROM AND IN ADDITION
6 TO ANY POLICY A PUBLIC SCHOOL OR LOCAL EDUCATION PROVIDER MUST
7 ADOPT PURSUANT TO TITLE IX. EACH LOCAL EDUCATION PROVIDER SHALL
8 PERIODICALLY REVIEW AND UPDATE THE POLICY.

9 (b) THE POLICY MUST BE WRITTEN IN PLAIN LANGUAGE AND
10 INCLUDE THE FOLLOWING:

11 (I) INFORMATION ON ALL REPORTING OPTIONS AVAILABLE TO A
12 STUDENT;

13 (II) THE NAME AND CONTACT INFORMATION FOR THE PERSON
14 DESIGNATED TO RECEIVE REPORTS OF HARASSMENT OR DISCRIMINATION,
15 WHO MAY BE THE TITLE IX COORDINATOR OR SERVE IN AN EQUIVALENT
16 POSITION IN THE SCHOOL;

17 (III) AN EXPLANATION OF THE SCHOOL'S ROLE IN RESPONDING TO
18 REPORTS OF HARASSMENT OR DISCRIMINATION, PREVENTING RECURRENCE
19 OF HARASSMENT OR DISCRIMINATION, AND REMEDYING EFFECTS OF THE
20 HARASSMENT OR DISCRIMINATION;

21 (IV) THE CONTACT INFORMATION FOR RESOURCES FOR VICTIMS OF
22 VIOLENCE, INCLUDING A LOCAL, STATE, OR NATIONAL
23 TWENTY-FOUR-HOUR HELPLINE FOR DOMESTIC VIOLENCE AND SEXUAL
24 VIOLENCE SUPPORT;

25 (V) THE PROTOCOL FOR EMPLOYEES TO RESPOND TO REPORTS OF
26 HARASSMENT OR DISCRIMINATION, INCLUDING:

27 (A) THE PROCEDURES ADOPTED PURSUANT TO SUBSECTION (2)(d)

1 OF THIS SECTION FOR INVESTIGATING REPORTS OF HARASSMENT OR
2 DISCRIMINATION AND MAKING FINDINGS THAT ARE FAIR, IMPARTIAL, AND
3 PROMPT; AND

4 (B) PROHIBITING RELIANCE SOLELY ON A CRIMINAL INVESTIGATION
5 BY A LAW ENFORCEMENT AGENCY IN LIEU OF RESPONDING TO A REPORT OF
6 HARASSMENT OR DISCRIMINATION PROMPTLY AND EFFECTIVELY;

7 (VI) A PROHIBITION ON A SCHOOL USING A STUDENT REPORT OF
8 HARASSMENT OR DISCRIMINATION, WHETHER VERBAL OR IN WRITING, OR
9 INFORMATION REVEALED IN ANY INVESTIGATION OR DISCIPLINARY
10 PROCEEDINGS OF THE REPORT, AS THE BASIS FOR, OR A CONSIDERATION IN,
11 INVESTIGATING OR EXACTING ANY DISCIPLINARY RESPONSE FOR A SCHOOL
12 VIOLATION BY THE REPORTING STUDENT OR COMPLAINANT RELATED TO
13 THE REPORTED INCIDENT FOR ANY OF THE FOLLOWING: ENGAGING IN
14 REASONABLE SELF-DEFENSE AGAINST THE RESPONDENT, CONSENSUAL
15 SEXUAL ACTIVITY, DRUG USE, ALCOHOL USE, LATE ARRIVAL, TRUANCY,
16 UNAUTHORIZED ACCESS TO FACILITIES, TALKING PUBLICLY ABOUT THE
17 REPORTED HARASSMENT OR DISCRIMINATION, OR EXPRESSING A TRAUMA
18 SYMPTOM; EXCEPT THAT NOTHING IN THIS SECTION PROHIBITS A SCHOOL
19 OR LOCAL EDUCATION PROVIDER FROM DISCIPLINING A STUDENT WHO
20 KNOWINGLY MAKES A FALSE REPORT OF HARASSMENT OR
21 DISCRIMINATION, OR DISCIPLINING A STUDENT WHEN NECESSARY TO
22 ENSURE THE SAFETY OF ANY STUDENT OR EMPLOYEE. A FINDING OF NO
23 HARASSMENT OR DISCRIMINATION DOES NOT ITSELF CONSTITUTE A FALSE
24 REPORT.

25 (VII) INFORMATION ABOUT AVAILABLE ACCOMMODATIONS AND
26 SUPPORTIVE MEASURES DESCRIBED IN SUBSECTION (2)(g) OF THIS SECTION,
27 INCLUDING INFORMATION ABOUT HOW A STUDENT CAN REQUEST

1 SUPPORTIVE MEASURES AND AN EXPLANATION OF ADDITIONAL
2 ACCOMMODATIONS AVAILABLE FOR STUDENTS WITH DISABILITIES.

3 (c) EACH PUBLIC SCHOOL SHALL MAKE THE POLICY AVAILABLE TO
4 STUDENTS, STUDENTS' PARENTS AND LEGAL GUARDIANS, AND SCHOOL
5 STAFF BY:

6 (I) PROMINENTLY DISPLAYING THE POLICY ON THE HOME PAGE OF
7 ITS WEBSITE;

8 (II) ANNUALLY DISTRIBUTING THE POLICY THROUGH ELECTRONIC
9 MEANS TO PARENTS AND LEGAL GUARDIANS OF STUDENTS ENROLLED AT
10 THE PUBLIC SCHOOL AND SEPARATELY TO STUDENTS ENROLLED IN SIXTH
11 THROUGH TWELFTH GRADE. THE COPY OF THE POLICY DISTRIBUTED
12 PURSUANT TO THIS SUBSECTION (3)(c)(II) MUST BE DISTRIBUTED
13 SEPARATELY FROM ANY OTHER DOCUMENT.

14 (III) PROVIDING A PHYSICAL COPY OF THE POLICY TO EACH
15 INCOMING STUDENT AND THE PARENT OR LEGAL GUARDIAN OF EACH
16 INCOMING STUDENT, UPON REQUEST; AND

17 (IV) ANNUALLY DISTRIBUTING THE POLICY TO EMPLOYEES.

18 (d) A POLICY DISTRIBUTED TO A STUDENT, PARENT, LEGAL
19 GUARDIAN, OR EMPLOYEE, WHETHER A PHYSICAL OR ELECTRONIC COPY,
20 MUST BE AVAILABLE IN ENGLISH AND, UPON REQUEST, IN SPANISH. THE
21 POLICY POSTED ON THE WEBSITE MUST BE IN ENGLISH AND A SCHOOL MAY
22 ALSO POST THE POLICY IN SPANISH.

23 (4) BEGINNING NO LATER THAN JULY 1, 2024, EACH PUBLIC
24 SCHOOL SHALL PROVIDE _____ TRAINING TO ALL EMPLOYEES ABOUT
25 HARASSMENT AND DISCRIMINATION. EACH NEW EMPLOYEE OF A PUBLIC
26 SCHOOL MUST COMPLETE TRAINING UPON HIRING, AND AT LEAST EVERY
27 THREE YEARS THEREAFTER; EXCEPT THAT AN EMPLOYEE MUST COMPLETE

1 TRAINING WHEN TRANSFERRING FROM A POSITION WORKING WITH
2 ELEMENTARY SCHOOL-AGED STUDENTS TO A POSITION WORKING WITH
3 SECONDARY SCHOOL-AGED STUDENTS, OR TRANSFERRING FROM A
4 POSITION WORKING WITH SECONDARY SCHOOL-AGED STUDENTS TO A
5 POSITION WORKING WITH ELEMENTARY SCHOOL-AGED STUDENTS. THE
6 TRAINING MUST BE PROVIDED DURING THE EMPLOYEE'S NORMAL WORKING
7 HOURS. THE TRAINING MUST INCLUDE, AT A MINIMUM, INSTRUCTION ON
8 THE FOLLOWING:

9 (a) RECOGNIZING HARASSMENT OR DISCRIMINATION, INCLUDING
10 INDICATORS OF GROOMING AND CHILD SEXUAL ABUSE;

11 (b) THE APPROPRIATE IMMEDIATE RESPONSE WHEN HARASSMENT
12 OR DISCRIMINATION IS REPORTED TO OR WITNESSED BY AN EMPLOYEE;

13 (c) REPORTING HARASSMENT OR DISCRIMINATION TO THE PUBLIC
14 SCHOOL OR SCHOOL DISTRICT; AND

15 (d) IF THE EMPLOYEE HAS DIRECT SUPERVISION OF STUDENTS, THE
16 FOLLOWING:

17 (I) THE PUBLIC SCHOOL'S PROCEDURE FOR RESPONDING TO
18 ALLEGATIONS OF HARASSMENT OR DISCRIMINATION;

19 (II) THE DIFFERENCE BETWEEN THE PUBLIC SCHOOL'S HARASSMENT
20 OR DISCRIMINATION POLICY ADOPTED PURSUANT TO THIS SECTION;
21 OBLIGATIONS REQUIRED BY FEDERAL LAW IN TITLE IX; SECTION 504 OF
22 THE FEDERAL "REHABILITATION ACT OF 1973", 29 U.S.C. SEC. 701 ET
23 SEQ.; TITLE VI OF THE FEDERAL "CIVIL RIGHTS ACT OF 1964", 42 U.S.C.
24 SEC. 2000d ET SEQ.; AND TITLE VII OF THE FEDERAL "CIVIL RIGHTS ACT
25 OF 1964", 42 U.S.C. SEC. 2000e ET SEQ.; AND MANDATORY REPORTING
26 REQUIREMENTS IN STATE LAW;

27 (III) BEST PRACTICES FOR AVOIDING VICTIM-BLAMING; THE EFFECT

1 OF TRAUMA ON VICTIMS OF HARASSMENT OR DISCRIMINATION;
2 COMMUNICATING WITH VICTIMS SENSITIVELY, COMPASSIONATELY, AND IN
3 A GENDER-INCLUSIVE AND CULTURALLY RESPONSIVE MANNER; AND THE
4 IMPACT OF HARASSMENT OR DISCRIMINATION ON STUDENTS WITH
5 DISABILITIES; AND

6 (IV) THE TYPES OF SUPPORTIVE MEASURES AVAILABLE TO
7 STUDENTS AND THE PROVISION OF EFFECTIVE ACADEMIC, MENTAL HEALTH,
8 AND SAFETY ACCOMMODATIONS FOR STUDENTS WHO REPORT
9 HARASSMENT OR DISCRIMINATION.

10 (5) (a) ON OR BEFORE JULY 1, 2025, AND ON OR BEFORE JULY 1 OF
11 EACH YEAR THEREAFTER, EACH PUBLIC SCHOOL OF A SCHOOL DISTRICT
12 SHALL REPORT TO THE SCHOOL DISTRICT, AND EACH INSTITUTE CHARTER
13 SCHOOL SHALL REPORT TO THE STATE CHARTER SCHOOL INSTITUTE, THE
14 FOLLOWING INFORMATION, AGGREGATED AND WITHOUT PERSONALLY
15 IDENTIFIABLE INFORMATION ABOUT THE PARTIES, FROM THE PRIOR
16 TWELVE MONTHS:

17 (I) THE NUMBER OF FORMAL HARASSMENT OR DISCRIMINATION
18 REPORTS RECEIVED BY THE SCHOOL AND THE TYPE OF BIAS REPORTED
19 WHEN HARASSMENT OR DISCRIMINATION WAS FOUND; AND

20 (II) THE TIME TO COMPLETE EACH INVESTIGATION AND TO MAKE
21 FINDINGS RELATED TO EACH REPORT.

22 (b) ON OR BEFORE AUGUST 1, 2025, AND ON OR BEFORE AUGUST
23 1 OF EACH YEAR THEREAFTER, THE STATE CHARTER SCHOOL INSTITUTE
24 AND EACH SCHOOL DISTRICT SHALL REPORT TO THE DEPARTMENT OF
25 EDUCATION THE INFORMATION IT RECEIVED FROM EACH SCHOOL
26 PURSUANT TO SUBSECTION (5)(a) OF THIS SECTION.

27 (c) ON OR BEFORE OCTOBER 1, 2025, AND ON OR BEFORE OCTOBER

1 1 OF EACH YEAR THEREAFTER, THE DEPARTMENT SHALL REPORT THE
2 INFORMATION RECEIVED PURSUANT TO THIS SECTION TO THE SEXUAL
3 MISCONDUCT ADVISORY COMMITTEE CREATED IN SECTION 23-5-147.

4 (6) (a) THIS SECTION DOES NOT AUTHORIZE A PUBLIC SCHOOL OR
5 SCHOOL DISTRICT, OR THE CHARTER SCHOOL INSTITUTE, TO VIOLATE ANY
6 FEDERAL LAW, REGULATION, OR GUIDELINE, INCLUDING TITLE IX; SECTION
7 504 OF THE FEDERAL "REHABILITATION ACT OF 1973", 29 U.S.C. SEC. 701
8 ET SEQ.; AND TITLE VI OF THE FEDERAL "CIVIL RIGHTS ACT OF 1964", 42
9 U.S.C. SEC. 2000d ET SEQ.; IN CARRYING OUT THE DUTIES DESCRIBED IN
10 THIS SECTION. IF THIS SECTION CONFLICTS WITH TITLE IX, SECTION 504
11 OF THE FEDERAL "REHABILITATION ACT OF 1973", OR TITLE VI OF THE
12 FEDERAL "CIVIL RIGHTS ACT OF 1964", THE APPLICABLE FEDERAL LAW
13 PREVAILS.

14 (b) IF A PERSON FILES A COMPLAINT ALLEGING CONDUCT OR
15 COMMUNICATION THAT IS GOVERNED BY TITLE IX AND THIS SECTION, A
16 SCHOOL OR LOCAL EDUCATION PROVIDER SHALL EVALUATE THE
17 COMPLAINT PURSUANT TO THE TITLE IX STANDARDS AND, IF THE
18 COMPLAINT IS UNSUBSTANTIATED PURSUANT TO TITLE IX, THE SCHOOL
19 SHALL EVALUATE THE COMPLAINT PURSUANT TO THE STANDARDS SET
20 FORTH IN THIS SECTION.

21 (7) A COMPLAINT THAT IS UNSUBSTANTIATED IS CONFIDENTIAL
22 AND NOT SUBJECT TO DISCLOSURE PURSUANT TO THE "COLORADO OPEN
23 RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24, AND MUST NOT SERVE
24 AS A BASIS FOR DISCIPLINE, DISMISSAL, TERMINATION, OR ANY
25 EMPLOYMENT REFERENCE OR LICENSING ACTION UNLESS THE CONDUCT
26 ESTABLISHES OF PATTERN OF THE SAME OR SIMILAR BEHAVIOR.

27 **SECTION 3.** In Colorado Revised Statutes, 22-33-104, add

1 (2)(k) as follows:

2 **22-33-104. Compulsory school attendance.** (2) The provisions
3 of subsection (1) of this section shall not apply to a child:

4 (k) WHO IS EXCUSED FROM SCHOOL FOR A THERAPY, MEDICAL,
5 LEGAL, OR VICTIM SERVICES APPOINTMENT RELATED TO HARASSMENT OR
6 DISCRIMINATION, AS DESCRIBED IN SECTION 22-1-140 (2)(f), OR FOR
7 BEHAVIORAL OR MENTAL HEALTH CONCERNS RELATED TO HARASSMENT
8 OR DISCRIMINATION.

9 **SECTION 4.** In Colorado Revised Statutes, 24-72-202, **amend**
10 **(6)(b)(XIV) and (6)(b)(XV); add (6)(b)(XVI) as follows:**

11 **24-72-202. Definitions.** As used in this part 2, unless the context
12 otherwise requires:

13 (6) (b) "Public records" does not include:

14 (XIV) Pursuant to the "Colorado Partnership for Quality Jobs and
15 Services Act", part 11 of article 50 of this title 24, records created in
16 compliance with the requirements of a state employee partnership
17 agreement as specified in section 24-50-1111 (3)(d) and documents
18 created in connection with the dispute resolution process for an employee
19 partnership agreement as specified in section 24-50-1113 (2)(e); ~~or~~

20 (XV) Granular coverage data, as defined in and submitted to the
21 office of information technology pursuant to section 24-37.5-119 (9)(m);
22 ~~OR~~

23 (XVI) A COMPLAINT OF HARASSMENT OR DISCRIMINATION, AS
24 DESCRIBED IN SECTION 22-1-140, THAT IS UNSUBSTANTIATED AND ALL
25 RECORDS RELATED TO THE UNSUBSTANTIATED COMPLAINT, INCLUDING
26 RECORDS OF AN INVESTIGATION INTO THE COMPLAINT.

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1 **SECTION 5. Act subject to petition - effective date.** This act
2 takes effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly; except
4 that, if a referendum petition is filed pursuant to section 1 (3) of article V
5 of the state constitution against this act or an item, section, or part of this
6 act within such period, then the act, item, section, or part will not take
7 effect unless approved by the people at the general election to be held in
8 November 2024 and, in such case, will take effect on the date of the
9 official declaration of the vote thereon by the governor.